

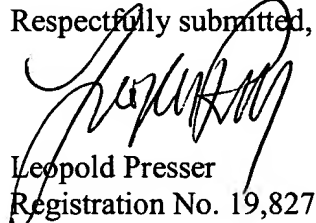
REMARKS

As originally prepared, claims 4-11 and 16-22 did not comply with the multiple dependent claim style specified by U.S. law. The amendments submitted above have been made to delete all multiple dependent claims. In addition, claim 23 was cancelled as it was deemed to be an improper claim for U.S. prosecution.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

It is respectfully requested that the above amendments be entered before an action on the merits is issued.

Respectfully submitted,


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claims 3, 4, 6-9, 14, 16-19 and 22 have been amended as follows:

3. (Amended) A breakfast cereal biscuit as claimed in [either] claim 1 [or claim 2] which additionally comprises any one or more of other grain or grain products, nuts, fruits, fruit juice, nutritional supplements, flavours, colours, salt, sweeteners and/or stabilizers.
4. (Amended) A breakfast cereal biscuit as claimed in [any one of claims 1 to 3] claim 1 wherein said waxy grain is selected from the group consisting of barley, corn, wheat, rice and sorghum.
6. (Amended) A breakfast cereal biscuit as claimed in [either] claim 4 [or claim 5] wherein said waxy grain comprises at least 50% by weight of total grain content.
7. (Amended) A breakfast cereal biscuit as claimed in [either] claim 4 [or claim 5] wherein said waxy grain comprises at least 90% by weight of total grain content.
8. (Amended) A breakfast cereal biscuit as claimed in [either] claim 4 [or claim 5] wherein said waxy grain comprises 100% by weight of total grain content.
9. (Amended) A breakfast cereal biscuit as claimed in [any one of claims 5 to 8] claim 5 wherein said barley is hydrated to a moisture content of up to 30% w/w.
14. (Amended) A process as claimed in [either] claim 12 [or claim 13] wherein said waxy grain is selected from barley, corn, wheat, rice and/or sorghum.

16. (Amended) A process as claimed in [either] claim 14 [or claim 15] wherein said waxy grain comprises at least 75% by weight of total grain content.
17. (Amended) A process as claimed in [either] claim 14 [or claim 15] wherein said waxy grain comprises at least 90% by weight of total grain content.
18. (Amended) A process as claimed in [either] claim 14 [or claim 15] wherein said waxy grain comprises 100% by weight of total grain content.
19. (Amended) A process as claimed in [any one of claims 15 to 18] claim 15 wherein said barley is hydrated to a moisture content of up to 30% w/w.
22. (Amended) A breakfast cereal biscuit prepared by a process of [any one of claims 12 to 21] claim 12.

Claim 23 has been cancelled.

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United States Patent Application No. 09/856133
"Breakfast cereal biscuit comprising waxy grain"

1. (Currently amended) A breakfast cereal biscuit comprising agglomerated flaked grain, said grain includes waxy grain in an amount of at least 20% by weight of total grain content wherein said grain has been hydrated and cooked so that substantially all of the starch content in said grain is gelatinized and as a result said grain is able to be agglomerated without the need for additives.
2. (Previously cancelled)
3. (Previously amended) A breakfast cereal biscuit as claimed in claim 1 which additionally comprises any one or more of other grain or grain products, nuts, fruits, fruit juice, nutritional supplements, flavours, colours, salt, sweeteners and/or stabilizers.
4. (Previously amended) A breakfast cereal biscuit as claimed in claim 1 wherein said waxy grain is selected from the group consisting of barley, corn, wheat, rice and sorghum.
5. (Original) A breakfast cereal biscuit as claimed in claim 4 wherein said waxy grain is barley.
6. (Previously amended) A breakfast cereal biscuit as claimed claim 4 wherein said waxy grain comprises at least 50% by weight of total grain content.
7. (Previously amended) A breakfast cereal biscuit as claimed in claim 4 wherein said waxy grain comprises at least 90% by weight of total grain content.
8. (Previously amended) A breakfast cereal biscuit as claimed claim 4 wherein said waxy grain comprises 100% by weight of total grain content.
9. (Previously amended) A breakfast cereal biscuit as claimed in claim 5 wherein said barley is hydrated to a moisture content of up to 30% w/w.
10. (Original) A breakfast cereal biscuit as claimed in claim 9 wherein said barley is hydrated to a moisture content of from 24 to 29% w/w.
11. (Original) A breakfast cereal biscuit as claimed in claim 10 wherein said barley is hydrated to a moisture content of about 29% w/w.
12. (Previously cancelled)

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13. (Currently amended) A ~~The process as claimed in claim 12 according to any one of Claims 26-28~~ including the additional step of adding one or more of other grain or grain products, nuts, fruits, fruit juice, nutritional supplements, ~~flavours~~flavors, ~~colours~~colors, salt, sweeteners and/or stabilizers.
14. (Previously amended) The process according to anyone of Claims 26-28 wherein said waxy grain is selected from barley, corn, wheat, rice and/or sorghum.
15. (Original) A process as claimed in claim 14 wherein said waxy grain is barley
16. (Previously amended) A process as claimed in claim 14 wherein said waxy grain comprises at least 75% by weight of total grain content.
17. (Previously amended) A process as claimed in claim 14 wherein said waxy grain comprises at least 90% by weight of total grain content.
18. (Previously amended) A process as claimed in claim 14 wherein said waxy grain comprises 100% by weight of total grain content.
19. (Previously amended) A process as claimed in claim 15 wherein said barley is hydrated to a moisture content of up to 30% w/w.
20. (Original) A process as claimed in claim 19 wherein said barley is hydrated to a moisture content of from 24 to 29% w/w.
21. (Original) A process as claimed in claim 20 wherein said barley is hydrated to a moisture content of about 29% w/w.
22. (Previously amended) A breakfast cereal biscuit prepared by the process of any one of Claims 26-28.
23. (Previously cancelled)
23. (Currently cancelled for duplicate number; restated in new Claim 29)
24. (Currently amended) The breakfast cereal biscuit of claim 1 wherein the grain has been hydrated and cooked simultaneously, rolled into flakes, and either (1) agglomerated, ~~and-toasted and cut into a desired biscuit shape,~~ or (2) agglomerated into a desired biscuit shape and toasted, or (3) toasted and agglomerated into a desired biscuit shape.
25. (Currently amended) The breakfast cereal biscuit of claim 1 wherein the grain has been partially hydrated prior to cooking followed by balancing moisture during the cook phase, rolled into flakes, and either (1) agglomerated, ~~and-toasted and cut into~~

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a desired biscuit shape, or (2) agglomerated into a desired biscuit shape and toasted,
or (3) toasted and agglomerated into a desired biscuit shape.

26. (Currently Amended) A process for producing a breakfast cereal biscuit comprising the steps of

- a) selecting grain which includes waxy grain in an amount of at least 20% by weight of total grain content;
- b) sequentially hydrating to increase the moisture content of said grain to at least 17% and cooking said grain for about 20-90 minutes at a temperature higher than 100°C sequentially;
- c) rolling cooked grain into flakes; and either
- d) agglomerating the flakes of step c) into a desired biscuit shape, and toasting; or
- e) agglomerating the flakes of step c) and toasting, and cutting the toasted product into a desired biscuit shape of step d); or
- f) toasting the flakes of step c), and agglomerating the toasted product into a desired biscuit shape.
- ~~g) agglomerating the product of step f) into a desired biscuit shape.~~

27. (Currently amended) A process for producing a breakfast cereal biscuit comprising the steps of

- a) selecting grain which includes waxy grain in an amount of at least 20% by weight of total grain content;
- b) simultaneously hydrating to increase the moisture content of said grain to at least 17% and cooking said grain for about 20-90 minutes at a temperature higher than 100°C simultaneously;
- c) rolling cooked grain into flakes; and either
- d) agglomerating the flakes of step c) into a desired biscuit shape, and toasting; or
- e) agglomerating the flakes of step c) and toasting, and cutting the toasted product into a desired biscuit shape of step d); or
- f) toasting the flakes of step c), and agglomerating the toasted product into a desired biscuit shape.
- ~~g) agglomerating the product of step f) into a desired biscuit shape.~~

28. (Currently amended) A process for producing a breakfast cereal biscuit comprising the steps of

- a) selecting grain which includes waxy grain in an amount of at least 20% by weight of total grain content;
- b) partially hydrating grains to increase the moisture content of said grain to at least 17% prior to cooking for about 20-90 minutes at a temperature higher than 100°C followed by balancing moisture to at least about 17%

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during the cook phase;

- c) rolling cooked grain into flakes; and either
- d) agglomerating the flakes of step c) into a desired biscuit shape, and toasting; or
- e) agglomerating the flakes of step c) and toasting, and cutting the toasted product into a desired biscuit shape of step d); or
- f) toasting the flakes of step c), and agglomerating the toasted product into a desired biscuit shape.
- ~~g) agglomerating the product of step f) into a desired biscuit shape.~~

29. (New) The breakfast cereal biscuit of claim 1 wherein the grain has been hydrated and cooked sequentially, rolled into flakes, and either (1) agglomerated, toasted and cut into a desired biscuit shape, or (2) agglomerated into a desired biscuit shape and toasted, or (3) toasted and agglomerated into a desired biscuit shape.